

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KELSIE BRANSTETTER,

Plaintiff,

v.

HOLLAND AMERICA LINE N.V. LLC,

Defendant.

NO. 2:19-cv-02104-TSZ

**STIPULATION AND ORDER FOR
STAY**

STIPULATION

WHEREAS, Plaintiff Kelsie Branstetter (“Plaintiff”) brings suit against Defendant HOLLAND AMERICA LINE N.V. (“Defendant”) alleging causes of action for Jones Act negligence, unseaworthiness, and maintenance and cure;

WHEREAS, Plaintiff’s employment agreement with Defendant obligates Defendant to pay certain benefits to Plaintiff in the event of a workplace injury, including, where appropriate, maintenance (living expenses) and cure (medical expenses) until Plaintiff reaches a point of maximum medical improvement;

WHEREAS, Plaintiff and Defendant have tentatively reached an agreement to settle Plaintiff’s Jones Act negligence, unseaworthiness, and *past* maintenance and cure claims;

STIPULATION AND ORDER FOR STAY - 1
No. 2:19-cv-02104-TSZ

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1 WHEREAS, Plaintiff and Defendant are presently in the process of confirming all prior
2 medical bills incurred by Plaintiff and submitted to Defendant for reimbursement have been
3 satisfied to fully and finally settle the claim for *past* cure, which is expected to be confirmed
4 within the next 60 days;

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6 WHEREAS, Plaintiff had surgery in February 2020, has not yet been declared to have
7 reached the point of “maximum medical improvement” by her treating physician, and Plaintiff
8 is still seeking medical treatment for her alleged shipboard injuries; and

9 WHEREAS, case management dates are upcoming, including, but not limited to, the
10 parties’ disclosure of expert testimony on June 29, 2020;

11 THEREFORE, the parties, by and through their undersigned counsel, hereby agree and
12 stipulate, and request that this Court order, as follows:

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14 1. This matter shall be stayed, and all case scheduling dates through the trial date of
15 January 19, 2021 as set forth in this Court’s Scheduling Order dated January 21, 2020 [Dkt. No.
16 36] be vacated to permit time for the parties to finalize their tentative settlement as to Plaintiff’s
17 Jones Act negligence, unseaworthiness, and *past* maintenance and cure claims, and to determine
18 whether any additional claims exist at the time plaintiff is declared to have reached maximum
19 medical improvement;

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21 2. In the event Plaintiff is not pursuing any additional claims against Defendant for
22 her shipboard injuries as described in her complaint within sixty (60) days after Plaintiff is
23 declared to have reached maximum medical improvement, the parties will jointly move for
24 dismissal with prejudice of this action pursuant to FRCP 41(a)(1)(A)(ii); and
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1 3. In the event Plaintiff and Defendant have not resolved all outstanding issues
2 between them related to Plaintiff's shipboard injuries as described in her complaint within sixty
3 (60) days of Plaintiff being declared to have reached the point of maximum medical
4 improvement, the parties will jointly move for relief from the stay and will request a scheduling
5 conference be scheduled for the purposes of setting new case management and trial dates.
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7 SO STIPULATED.

8 LAW OFFICE OF JOHN MERRIAM

GORDON REES SCULLY
MANSUKHANI LLP

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10 By: s/John W. Merriam
11 John W. Merriam, WSBA #12749
12 Attorney for Plaintiff Kelsie Branstetter
 Dated: June 29, 2020

By: s/Shannon L. Wodnik
Shannon L. Wodnik, WSBA #44998
Attorneys for Defendant Holland America
Line N.V.
Dated: June 29, 2020

ORDER

Pursuant to the parties' stipulation, docket no. 38, IT IS HEREBY ORDERED that:

1. This matter shall be stayed, and all case scheduling dates through the trial date of January 19, 2021, as set forth in this Court's Scheduling Order dated January 21, 2020, docket no. 36, are hereby vacated to permit time for the parties to finalize their tentative settlement as to Plaintiff's Jones Act negligence, unseaworthiness, and *past* maintenance and cure claims, and to determine whether any additional claims exist at the time Plaintiff is declared to have reached maximum medical improvement;

2. In the event Plaintiff is not pursuing any additional claims against Defendant for her shipboard injuries as described in her complaint within sixty (60) days after Plaintiff is declared to have reached maximum medical improvement, the parties shall jointly move for dismissal with prejudice of this action pursuant to FRCP 41(a)(1)(A)(ii);

3. In the event Plaintiff and Defendant have not resolved all outstanding issues between them related to Plaintiff's shipboard injuries as described in her complaint within sixty (60) days of Plaintiff being declared to have reached the point of maximum medical improvement, the parties shall jointly move for relief from the stay and request a scheduling conference be scheduled for the purposes of setting new case management and trial dates; and

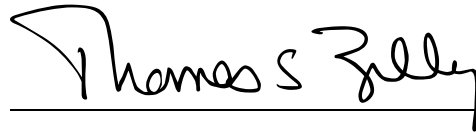
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1 4. The parties are ORDERED to submit a Joint Status Report by December 18, 2020,
2 informing the Court as to the status of this case if the parties have not reached a settlement
3 agreement by that date.

4 Dated this 1st day of July, 2020.

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8 Thomas S. Zilly
9 United States District Judge
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